

## Report of the Head of Planning, Sport and Green Spaces

**Address** THE HOMESTEAD FINE BUSH LANE HAREFIELD

**Development:** Change of use of existing non-use function building to Use Class D1 for use as a nursery.

**LBH Ref Nos:** 6583/APP/2016/1698

**Drawing Nos:** 3713/01 Rev A  
Location Plan

**Date Plans Received:** 05/05/2016                      **Date(s) of Amendment(s):** 05/05/2016

**Date Application Valid:** 13/05/2016

### 1. **SUMMARY**

This application seeks planning permission for the change of use of an existing un-used function room at The Homestead for use as a childrens nursery.

There would be no external alterations to the existing building, surrounding site or parking. The scheme is considered to be appropriate development within the Green Belt and would protect openness.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 1            COM3            **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

#### 2            COM4            **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number 3713/01 Rev A and the details and procedures included within the Flood Risk Assessment, and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

#### 3            NONSC            **Non Standard Condition**

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the site and affecting the nearby residential property Oak Cottage, Fine Bush Lane, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation of all available physical mitigations, administrative measures, and noise limits with the most applicable being collated in a Noise Management Plan that specifies the responsible person for its implementation and monitoring. Prior to the first use of the building for the D1 use hereby

approved, the approved Noise Management Plan scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

**4 NONSC Non Standard Condition**

Prior to the commencement of development a traffic management scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall provide details in relation measures to ensure the safety of children, access (vehicular and pedestrian) and the parking provision for the nursery, including details of the measures to enforce staggered drop off and pick up times to ensure the avoidance of queuing or the necessity to pick up or drop off in the road. Upon the first use of the building for the D1 use hereby approved, the approved scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To ensure that the development does not have an unacceptable impact on residential amenity and in the interests of highway and pedestrian safety in accordance with policies AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**5 COM12 Use Within Same Use Class**

The premises shall be used as a Children's Nursery and for no other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

**REASON**

To ensure the appropriate use of the building in this location in accordance with the NPPF and Policy OL1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**6 NONSC Non Standard Condition**

The development hereby approved shall not be occupied until the car parking spaces as shown on plan reference number 3713/01 Rev A have been laid clearly marked out for use by staff and parents in association with the D1 use hereby approved. Thereafter all the spaces shall be kept clear of obstructions and used for the sole purpose of parking motor vehicles in association with the D1 use hereby approved for as long as the use hereby approved remains in operation.

**REASON**

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016)

**7 NONSC Non Standard Condition**

The D1 nursery use hereby approved shall be limited to a maximum enrollment/attendance of 35 children at all times.

**REASON**

To ensure that the development does not have an unacceptable impact on residential amenity and in the interests of highway and pedestrian safety in accordance with policies OE1, AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November

2012).

## INFORMATIVES

### 1 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application site is located on the southern side of Fine Bush Lane approximately 250m to the west of Breakspear Road and the developed area of Ruislip. It comprises a detached two storey dwelling with a detached garage and a large L-shaped flat-roof garden building set within a spacious plot. The garden building is located to the western side of the dwelling. To the front there is an off road waiting area before two sets of gates one serving the existing dwelling and the other a separate driveway leading to a gravelled parking area on the eastern side of the outbuilding.

The site is located within the Green Belt as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

### 3.2 Proposed Scheme

The proposal is for the change of use of an existing building without a specific use, to allow it to be used as a Class D1 Nursery. The intention is to offer 30-35 places for children under the age of 5, which shall include 15 funded places. There would be ten staff, although not all would be full time.

The intended opening hours are 7.30am - 6.00pm Monday to Friday with staggered arrival and collection times and they also intend to provide a pick up and collection facility from local schools to link in with parents dropping off siblings with their own 9 seater transporter.

### 3.3 Relevant Planning History

6583/APP/2012/1729 The Homestead Fine Bush Lane Harefield  
Alteration of flat roof to pitched roof on existing detached ancillary building

**Decision:** 07-02-2013 Approved

6583/APP/2013/3078 Land Forming Part Of The Homestead Fine Bush Lane Harefield  
Construction of new detached dwelling (Outline application for access, layout and scale)

**Decision:** 17-07-2014 Not Determined **Appeal:** 17-07-2014 Dismissed

6583/APP/2015/3802      The Homestead Fine Bush Lane Harefield  
Alteration of flat roof to pitched roof on existing detached ancillary building

**Decision:** 15-12-2015    Approved

#### **Comment on Relevant Planning History**

6583/APP/2015/3802 - Alteration of flat roof to pitched roof on existing outbuilding (approved)

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1      (2012) Built Environment

Part 2 Policies:

NPPF          National Planning Policy Framework

AM7          Consideration of traffic generated by proposed developments.

AM14        New development and car parking standards.

BE19        New development must improve or complement the character of the area.

BE38        Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

OE1         Protection of the character and amenities of surrounding properties and the local area

OE3         Buildings or uses likely to cause noise annoyance - mitigation measures

OL1         Green Belt - acceptable open land uses and restrictions on new development

R12         Use of premises to provide child care facilities

LPP 5.12    (2015) Flood risk management

LPP 7.15    (2015) Reducing noise and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

LPP 7.16    (2015) Green Belt

LDF-AH     Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

#### **5. Advertisement and Site Notice**

**5.1**    Advertisement Expiry Date:- Not applicable

**5.2**    Site Notice Expiry Date:-      Not applicable

#### **6. Consultations**

**External Consultees**

1 neighbour was consulted for a period of 21 days expiring on the 7 June 2016. The site notice was also erected on the gates to the front of the property, expiring on 16 June 2016. No response was received.

Ruislip Residents Association: No response

### **Internal Consultees**

Environmental Protection Unit:

I have no objections subject to condition for the provision of a scheme for site noise control. The site of the proposed development is situated in an isolated location away from a built up urban area, however there is a nearby residential property Oak Cottage, Fine Bush Lane.

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the site and affecting the nearby residential property Oak Cottage, Fine Bush Lane, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of physical, administrative measures, noise limits, a noise management plan and other measures as may be approved by the Local Planning Authority.

Officer response: Further discussions with the Environmental Health Officer have confirmed that given the distance to Oak Cottage, it should be possible to provide a suitable scheme for noise mitigation, having regard to the number of issues including the number of children playing outside at any one time, arrangements to keep doors closed, acoustic screening/hedges.

Flood and Water Management Officer:

With the submission of the Flood Risk assessment, there are no objections subject to the implementation of the recommendations contained within it of appropriate Flood Evacuation Plans for this business.

Highways:

Plans to show all existing car parking provision on whole site and those allocated to staff and drop off and pick up. Conditions required to deter drop off at site entrance from Fine Bush Lane and staggered drop off and pick up times.

Officer response: Amended plans have been received detailing all parking provision, with allocated staff parking separate from the large general access car park and drop off area, as well as a space for the mini bus to be used in the pick up and collection service.

Trees/Landscaping:

No objection on landscape grounds and no need for landscape conditions.

Families Information Services:

There is no day nursery currently operating within a mile of this site. In fact the only registered childcare provision available currently within a mile of this site are 14 childminders. We would want to see places being available for children to receive free childcare. However of these childminders, only 3 offer free places to parents. There are not sufficient places available locally to meet parental demand.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The National Planning Policy Framework states that the essential characteristics of Green Belts are their openness and their permanence and their fundamental aim is to "prevent urban sprawl by keeping land permanently open". Paragraph 87 advises that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 advises that "very special circumstances" will not

exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Paragraph 90, the NPPF indicates that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include among others 'the re-use of buildings provided that the buildings are of permanent and substantial construction'.

This scheme proposes a change of use of part of an existing single storey flat roofed building to provide a children's nursery, in an area identified in need of additional nursery school provision. The building is permanent and of substantial construction and it is therefore considered that in principle the development is appropriate development and given there are no extensions it will not effect the openness of the site and accords with the requirements of the National Planning Policy Framework.

It is noted that there is a wide range of non residential institutions that fall within use class D1, which may not be appropriate in this location. However the use of the building as a children's nursery could be conditioned to be restricted to ensure no further unsuitable development.

**7.02 Density of the proposed development**

This is not applicable to this application.

**7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

This is not applicable to this application.

**7.04 Airport safeguarding**

This is not applicable to this application.

**7.05 Impact on the green belt**

This scheme proposes a children's nursery within part of an existing building, which is situated to the side and behind The Homestead. The site benefits from an existing gated access to the side of the gates of the house, which leads around the side of the building to an existing gravelled parking area.

The proposed change of use would not result in any external alterations to the existing building or grounds. It is therefore considered that the development is appropriate and is considered to accord with the requirements of the National Planning Policy Framework.

**7.07 Impact on the character & appearance of the area**

This is not applicable to this application as there are no external alterations proposed to the building or grounds.

**7.08 Impact on neighbours**

Policies BE19, BE20 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012) seek to ensure that the amenities of adjoining occupiers are protected in new developments. Policy OE1 advises planning will not normally be approved for uses which are likely to become detrimental to the amenity of surrounding properties because of noise.

The siting of the proposed development would ensure it would be located a considerable distance away from the neighbouring residential properties and would not be visible from outside of the application site. The nearest neighbour would be Oak Cottage situated approximately 133m to the west, with other residential properties of Ruislip situated over 230m to the east. The Environmental Health Officer has advised that they have no

objections to the proposal subject to a condition for site noise management and controls to limit any impact on Oak Cottage. It is therefore considered that the proposed development would not impact on the amenities of the adjoining occupiers in accordance with Policies OE1, BE19, BE20 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

**7.09 Living conditions for future occupiers**

This is not applicable to this application.

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

The Council's Highways Officer has asked for plans which show all car parking provision including those allocated to staff and for drop off and pick up. Revised plans indicate separate parking bays to the front of The Homestead allocated to staff with a large gravelled car park to the side of the building and separated by a gateway, which would allow plenty of car parking space for pick-up and drop off.

The applicants have advised that there will be a staggered arrival and collection times of 4 cars per 15 minutes and there will be no drop off at the entrance. They are also proposing to operate a pick up and collection facility in their own 9 seater mini bus from local schools where parents are dropping off siblings.

The Highway Officer has advised that a condition should be included to deter drop off at the site entrance and staggered pick-up and drop off times. Subject to these controls being secured via condition, it is not considered that there would be any significant impact upon highway safety in accordance with Policy AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.11 Urban design, access and security**

Not relevant to this application.

**7.12 Disabled access**

Policy 7.2 of the London Plan (2016) requires all new development to provide an inclusive environment that achieves the highest standards of accessibility and inclusive design. The Council's Supplementary Planning Document "Accessible Hillingdon" (May 2013) provides detailed design guidance on accessibility issues.

There is level access from the parking area through to the building and it is considered the scheme complies with Policy 7.2 of the London Plan and the Council's Supplementary Planning Document, Accessible Hillingdon.

**7.13 Provision of affordable & special needs housing**

Not applicable to this application

**7.14 Trees, Landscaping and Ecology**

No trees or other landscape features of merit will be affected by the proposal

**7.15 Sustainable waste management**

Not applicable to this application

**7.16 Renewable energy / Sustainability**

Not applicable to this application

**7.17 Flooding or Drainage Issues**

The Flood and Water Management Officer has advised that with the submission of the Flood Risk assessment, there are no objections subject to the implementation of the recommendations contained within it of appropriate Flood Evacuation Plans.

**7.18 Noise or Air Quality Issues**

The site benefits from both hard and soft landscaped recreational outdoor space. The applicant suggests that the use of this area will be limited to core hours, with a maximum of 6 children outside at any one time. The Council's Environmental Health Officer has not raised any objection but has requested a condition for the provision to be made for a scheme for the control of noise emanating from the site. The scheme shall include such combination of physical, administrative measures, noise limits, a noise management plan and other measures as may be approved by the Local Planning Authority.

#### **7.19 Comments on Public Consultations**

The issues raised have been addressed appropriately in the report

#### **7.20 Planning Obligations**

Not applicable to this application.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

Not applicable to this application.

### **8. Observations of the Borough Solicitor**

#### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning



applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

**9. Observations of the Director of Finance**

N/A

**10. CONCLUSION**

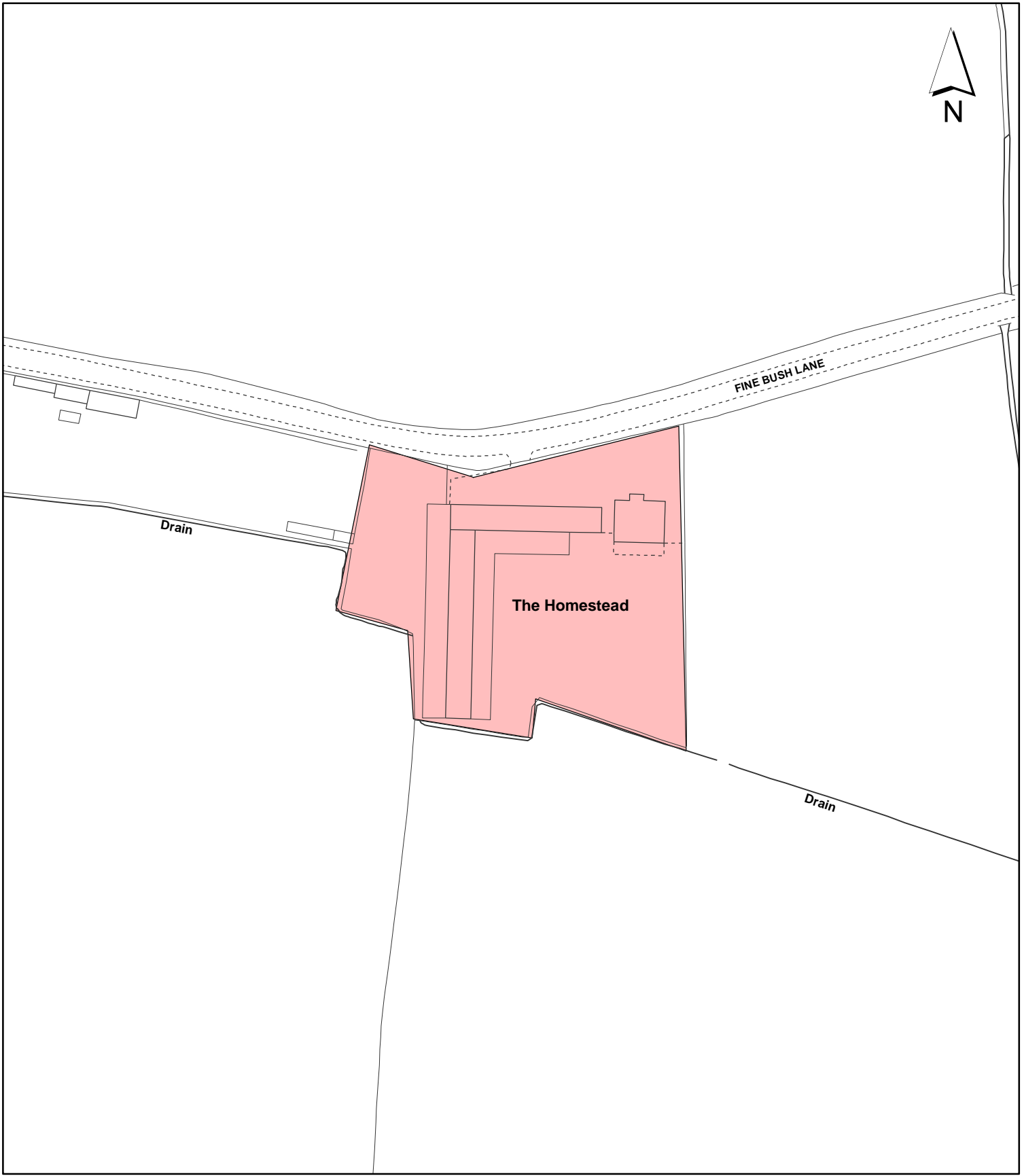
For the reasons outlined above and given that the development complies with the aforementioned policies of the National Planning Policy Framework, this application is recommended for approval.

**11. Reference Documents**

NPPF (March 2012)  
Planning Practice Guidance (March 2014)  
The London Plan (2016)  
Hillingdon Local Plan (November 2012)

**Contact Officer:** Liz Arnold

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:  
**The Homestead**

**LONDON BOROUGH OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**6583/APP/2016/1698**

Scale:  
**1:1,250**

Planning Committee:  
**Major**

Date:  
**September 2016**

